

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:20-cv-163-MOC

JENNIFER BIDOU,

Plaintiff,

v.

KILOLO KIJAKAZI,

Acting Commissioner of Social Security,

Defendant.

ORDER

THIS MATTER is before the Court on Plaintiff's Motion for Attorney's Fees under the Social Security Act. (Doc. No. 23); see 42 U.S.C. § 406(b). Plaintiff's counsel seeks \$13,000 in fees. (Id.). Plaintiff's counsel attached exhibits supporting the motion. (Id.).

The Government neither supports nor opposes the motion. (Doc. No. 24). Rather, the Government notes that "it is for the Court to decide if the request for attorney fees ... is reasonable" and notes that "[when an attorney receives fees under both the Equal Access to Justice Act and [the Social Security Act], the attorney must refund the smaller fee awarded to the claimant." (Id., citing Gisbrecht v. Barnhart, 535 U.S. 789, 796 (2002)) (internal refs omitted).

ORDER

IT IS, THEREFORE, ORDERED that Plaintiff's Motion for Attorney's Fees under the Social Security Act, (Doc. No. 23), is **GRANTED** and that Plaintiff's counsel be awarded fees under 42 U.S.C. § 406(b) in the amount of \$13,000. **IT IS FURTHER ORDERED** that Plaintiff's counsel will refund to Plaintiff the smaller amount between this amount and any fee amount that previously was received under the EAJA. Signed: August 31, 2022

